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**BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of:

JENNIFER GAYLE JOHNSON  
485 Golden West Place  
Arroyo Grande, CA 93420

Registered Nurse License No. 390895

Respondent.

Case No. 2007-161

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between the parties that  
the following matters are true:

PARTIES

1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of  
the Board of Registered Nursing, who brought this action solely in her official capacity.

2. Jennifer Johnson (Respondent), is a probationary registered nurse.

JURISDICTION

3. On December 17, 2007, the Board of Registered Nursing adopted  
Stipulated Settlement and Disciplinary Order No. 2007-161, which became effective on January  
17, 2008. The Stipulated Settlement and Disciplinary Order requires, inter alia, the respondent to  
serve a 3-year probation term that includes Probation Conditions # 1-18. The Stipulated  
Settlement and Disciplinary Order is attached as exhibit A and incorporated herein by reference.

Condition #13 of the Stipulated Settlement and Disciplinary Order allows  
the Board of Registered Nursing to accept the surrender of the respondent's license if she ceases  
practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of  
probation.

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5. Respondent understands that by signing this stipulation she enables the Board to accept the surrender of her Registered Nurse License without further process.

6. The Respondent understands and agrees that by signing this Stipulated Settlement, that she may not withdraw her agreement or seek to rescind the stipulation prior to the date it becomes effective. If the Board declines to accept this stipulation as its Decision and Order, the Stipulated Surrender and Order shall be of no force or effect.

8. In consideration of the foregoing stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

IT IS HEREBY ORDERED that Registered Nurse License No. 390895, issued to Respondent Jennifer Johnson, is surrendered and the surrender is accepted by the Board of Registered Nursing.

10. Respondent shall lose all rights and privileges as a Registered Nurse in California as of the effective date of the Board's Decision and Order.

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2           11.     Respondent shall cause to be delivered to the Board both her wall and  
3 pocket license certificate on or before the effective date of the Decision and Order.

4           12.     Respondent fully understands and agrees that if she ever files an  
5 application for licensure or a petition for reinstatement in the State of California, the Board  
6 shall treat it as a petition for reinstatement. Respondent must comply with all the laws,  
7 regulations and procedures for reinstatement of a revoked license in effect at the time the  
8 petition is filed. .

9           13.     Upon reinstatement of the license or prior to issuance of any new  
10 license by the Board, Respondent shall pay to the Board costs associated with its investigation  
11 and enforcement pursuant to Business and Professions Code section 125.3 in the amount of  
12 \$3,000.00 which is the amount currently owed pursuant to Stipulated Settlement and  
13 Disciplinary Order No. 2007-161 (Exhibit A). If the reinstatement of Respondent's license is  
14 granted, Respondent shall be permitted to pay these costs in a payment plan approved by the  
15 Board.

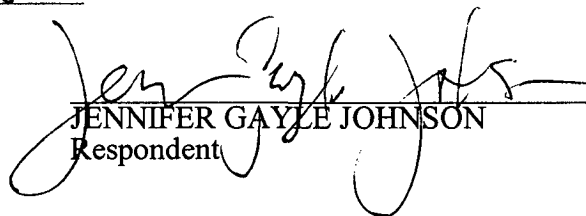
16           14.     Respondent shall not apply for licensure or petition for reinstatement for  
17 1 year from the effective date of the Board of Registered Nursing's Decision and Order.

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ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Registered Nursing.

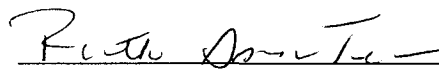
DATED: June 18, 2008.

  
JENNIFER GAYLE JOHNSON  
Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully accepted by Ruth Ann Terry, Executive Officer for the Board of Registered Nursing.

DATED: 6/24/08.

  
RUTH ANN TERRY  
Executive Officer  
BOARD OF REGISTERED NURSING

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**BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of:

Case No. 2007-161

JENNIFER GAYLE JOHNSON  
485 Golden West Place  
Arroyo Grande, CA 93420

Registered Nurse License No. 390895

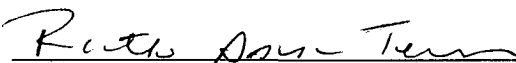
Respondent.

**DECISION AND ORDER**

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

It is so ORDERED on August 21, 2008.

This Decision shall become effective on August 21, 2008.

  
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Ruth Ann Terry, Executive Officer  
FOR THE BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS

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**EXHIBIT "A"**

Stipulated Settlement and Disciplinary Order No. 2007-161

**BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

**JENNIFER GAYLE JOHNSON**  
485 Golden West Place  
Arroyo Grande, CA 93420-3722

Registered Nurse License No. 390895

Respondent.

Case No. 2007-161

OAH No. L-2007010405

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on January 17, 2008.

It is so ORDERED December 17, 2007.

*LaTranene W Tate*

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FOR THE BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 LINDA K. SCHNEIDER  
Supervising Deputy Attorney General  
3 T. MICHELLE LAIRD, State Bar No. 162979  
Deputy Attorney General  
4 California Department of Justice  
110 West "A" Street, Suite 1100  
5 San Diego, CA 92101

6 P.O. Box 85266  
San Diego, CA 92186-5266  
7 Telephone: (619) 645-2323  
8 Facsimile: (619) 645-2061

9 Attorneys for Complainant

10 **BEFORE THE**  
11 **BOARD OF REGISTERED NURSING**  
12 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

14 **JENNIFER GAYLE JOHNSON**  
485 Golden West Place  
15 Arroyo Grande, CA 93420-3722

16 Registered Nurse License No. 390895

17 Respondent.

Case No. 2007-161

OAH No. L-2007010405

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

18  
19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the  
20 above-entitled proceedings that the following matters are true:

21 **PARTIES**

22 1. Ruth Ann Terry, M.P.H, R.N. (Complainant), is the Executive Officer of  
23 the Board of Registered Nursing. She brought this action solely in her official capacity and is  
24 represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,  
25 by T. Michelle Laird, Deputy Attorney General.

26 2. Respondent Jennifer Gayle Johnson (Respondent) is representing herself  
27 in this proceeding and has chosen not to exercise her right to be represented by counsel.

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3. On or about November 30, 1985, the Board of Nursing issued Registered Nurse License No. 390895 to Jennifer Gayle Johnson. The Registered Nurse License was in full force and effect at all times relevant to the charges brought in Accusation No. 2007-161 and will expire on November 30, 2008, unless renewed.

## JURISDICTION

4. Accusation No. 2007-161 was filed before the Board of Registered Nursing (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on December 20, 2006. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 2007-161 is attached hereto as exhibit A and is incorporated by reference.

## ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation No. 2007-161. Respondent has also carefully read, and fully understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

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1 **CULPABILITY**

2 8. Respondent admits the truth of each and every charge and allegation in  
3 Accusation No. 2007-161.

4 9. Respondent agrees that her Registered Nurse License is subject to  
5 discipline and she agrees to be bound by the Board of Registered Nursing's imposition of  
6 discipline as set forth in the Disciplinary Order below.

7 **CONTINGENCY**

8 10. This stipulation shall be subject to approval by the Board of Registered  
9 Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the  
10 Board of Registered Nursing may communicate directly with the Board regarding this stipulation  
11 and settlement, without notice to or participation by Respondent. By signing the stipulation,  
12 Respondent understands and agrees that she may not withdraw her agreement or seek to rescind  
13 the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt  
14 this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall  
15 be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action  
16 between the parties, and the Board shall not be disqualified from further action by having  
17 considered this matter.

18 **OTHER MATTERS**

19 11. In consideration of the above advisements and waivers, Complainant  
20 agrees to the amount of \$3,000.00 as its costs of investigation and enforcement for purposes of  
21 cost recovery in this matter.

22 12. The parties understand and agree that facsimile copies of this Stipulated  
23 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same  
24 force and effect as the originals.

25 **DISCIPLINARY ORDER**

26 In consideration of the foregoing admissions and stipulations, the parties agree  
27 that the Board may, without further notice or formal proceeding, issue and enter the following  
28 Disciplinary Order:

1 IT IS HEREBY ORDERED that Registered Nurse License No. 390895, issued to  
2 Respondent Jennifer Gayle Johnson, is revoked. However, the revocation is stayed and  
3 Respondent is placed on probation for three (3) years on the following terms and conditions.

4 **Severability Clause.** Each condition of probation contained herein is a separate  
5 and distinct condition. If any condition of this Order, or any application thereof, is declared  
6 unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other  
7 applications thereof, shall not be affected. Each condition of this Order shall separately be valid  
8 and enforceable to the fullest extent permitted by law.

9 1. **Obey All Laws.** Respondent shall obey all federal, state and local laws.  
10 A full and detailed account of any and all violations of law shall be reported by Respondent to  
11 the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of  
12 compliance with this condition, Respondent shall submit completed fingerprint forms and  
13 fingerprint fees within 45 days of the effective date of the decision, unless previously submitted  
14 as part of the licensure application process.

15 **Criminal Court Orders:** If Respondent is under criminal court orders, including  
16 probation or parole, and the order is violated, this shall be deemed a violation of these probation  
17 conditions, and may result in the filing of an accusation and/or petition to revoke probation.

18 2. **Comply with the Board's Probation Program.** Respondent shall fully  
19 comply with the conditions of the Probation Program established by the Board and cooperate  
20 with representatives of the Board in its monitoring and investigation of the Respondent's  
21 compliance with the Board's Probation Program. Respondent shall inform the Board in writing  
22 within no more than 15 days of any address change and shall at all times maintain an active,  
23 current license status with the Board, including during any period of suspension.

24 Upon successful completion of probation, Respondent's license shall be fully  
25 restored.

26 3. **Report in Person.** Respondent, during the period of probation, shall  
27 appear in person at interviews/meetings as directed by the Board or its designated  
28 representatives.

1                   4.     **Residency, Practice, or Licensure Outside of State.** Periods of  
2 residency or practice as a registered nurse outside of California shall not apply toward a reduction  
3 of this probation time period. Respondent's probation is tolled, if and when she resides outside  
4 of California. Respondent must provide written notice to the Board within 15 days of any change  
5 of residency or practice outside the state, and within 30 days prior to re-establishing residency or  
6 returning to practice in this state.

7                   Respondent shall provide a list of all states and territories where she has ever been  
8 licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further  
9 provide information regarding the status of each license and any changes in such license status  
10 during the term of probation. Respondent shall inform the Board if she applies for or obtains a  
11 new nursing license during the term of probation.

12                  5.     **Submit Written Reports.** Respondent, during the period of probation,  
13 shall submit or cause to be submitted such written reports/declarations and verification of actions  
14 under penalty of perjury, as required by the Board. These reports/declarations shall contain  
15 statements relative to Respondent's compliance with all the conditions of the Board's Probation  
16 Program. Respondent shall immediately execute all release of information forms as may be  
17 required by the Board or its representatives.

18                  Respondent shall provide a copy of this Decision to the nursing regulatory agency  
19 in every state and territory in which she has a registered nurse license.

20                  6.     **Function as a Registered Nurse.** Respondent, during the period of  
21 probation, shall engage in the practice of registered nursing in California for a minimum of 24  
22 hours per week for 6 consecutive months or as determined by the Board.

23                  For purposes of compliance with the section, "engage in the practice of registered  
24 nursing" may include, when approved by the Board, volunteer work as a registered nurse, or  
25 work in any non-direct patient care position that requires licensure as a registered nurse.

26                  The Board may require that advanced practice nurses engage in advanced practice  
27 nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the  
28 Board.

1           If Respondent has not complied with this condition during the probationary term,  
2 and Respondent has presented sufficient documentation of her good faith efforts to comply with  
3 this condition, and if no other conditions have been violated, the Board, in its discretion, may  
4 grant an extension of Respondent's probation period up to one year without further hearing in  
5 order to comply with this condition. During the one year extension, all original conditions of  
6 probation shall apply.

7           **7. Employment Approval and Reporting Requirements.** Respondent  
8 shall obtain prior approval from the Board before commencing or continuing any employment,  
9 paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all  
10 performance evaluations and other employment related reports as a registered nurse upon request  
11 of the Board.

12           Respondent shall provide a copy of this Decision to her employer and immediate  
13 supervisors prior to commencement of any nursing or other health care related employment.

14           In addition to the above, Respondent shall notify the Board in writing within  
15 seventy-two (72) hours after she obtains any nursing or other health care related employment.  
16 Respondent shall notify the Board in writing within seventy-two (72) hours after she is  
17 terminated or separated, regardless of cause, from any nursing, or other health care related  
18 employment with a full explanation of the circumstances surrounding the termination or  
19 separation.

20           **8. Supervision.** Respondent shall obtain prior approval from the Board  
21 regarding Respondent's level of supervision and/or collaboration before commencing or  
22 continuing any employment as a registered nurse, or education and training that includes patient  
23 care.

24           Respondent shall practice only under the direct supervision of a registered nurse  
25 in good standing (no current discipline) with the Board of Registered Nursing, unless alternative  
26 methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician)  
27 are approved.

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Respondent's level of supervision and/or collaboration may include, but is not limited to the following:

(a) Maximum - The individual providing supervision and/or collaboration is present in the patient care area or in any other work setting at all times.

(b) Moderate - The individual providing supervision and/or collaboration is in the patient care unit or in any other work setting at least half the hours Respondent works.

(c) Minimum - The individual providing supervision and/or collaboration has person-to-person communication with Respondent at least twice during each shift worked.

(d) Home Health Care - If Respondent is approved to work in the home health care setting, the individual providing supervision and/or collaboration shall have person-to-person communication with Respondent as required by the Board each work day. Respondent shall maintain telephone or other telecommunication contact with the individual providing supervision and/or collaboration as required by the Board during each work day. The individual providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to patients' homes visited by Respondent with or without Respondent present.

9. **Employment Limitations.** Respondent shall not work for a nurse's registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a traveling nurse, or for an in-house nursing pool.

Respondent shall not work for a licensed home health agency as a visiting nurse unless the registered nursing supervision and other protections for home visits have been approved by the Board. Respondent shall not work in any other registered nursing occupation where home visits are required.

Respondent shall not work in any health care setting as a supervisor of registered nurses. The Board may additionally restrict Respondent from supervising licensed vocational nurses and/or unlicensed assistive personnel on a case-by-case basis.

Respondent shall not work as a faculty member in an approved school of nursing or as an instructor in a Board approved continuing education program.

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1 Respondent shall work only on a regularly assigned, identified and predetermined  
2 worksite(s) and shall not work in a float capacity.

3 If Respondent is working or intends to work in excess of 40 hours per week, the  
4 Board may request documentation to determine whether there should be restrictions on the hours  
5 of work.

6 10. **Complete a Nursing Course(s).** Respondent, at her own expense, shall  
7 enroll and successfully complete a course(s) relevant to the practice of registered nursing no later  
8 than six months prior to the end of her probationary term.

9 Respondent shall obtain prior approval from the Board before enrolling in the  
10 course(s). Respondent shall submit to the Board the original transcripts or certificates of  
11 completion for the above required course(s). The Board shall return the original documents to  
12 Respondent after photocopying them for its records.

13 11. **Cost Recovery.** Respondent shall pay to the Board costs associated with  
14 its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the  
15 amount of \$3,000.00. Respondent shall be permitted to pay these costs in a payment plan  
16 approved by the Board, with payments to be completed no later than three months prior to the  
17 end of the probation term.

18 If Respondent has not complied with this condition during the probationary term,  
19 and Respondent has presented sufficient documentation of her good faith efforts to comply with  
20 this condition, and if no other conditions have been violated, the Board, in its discretion, may  
21 grant an extension of Respondent's probation period up to one year without further hearing in  
22 order to comply with this condition. During the one year extension, all original conditions of  
23 probation will apply.

24 12. **Violation of Probation.** If Respondent violates the conditions of her  
25 probation, the Board after giving Respondent notice and an opportunity to be heard, may set  
26 aside the stay order and impose the stayed discipline (revocation/suspension) of Respondent's  
27 license.

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1 If during the period of probation, an accusation or petition to revoke probation has  
2 been filed against Respondent's license or the Attorney General's Office has been requested to  
3 prepare an accusation or petition to revoke probation against Respondent's license, the  
4 probationary period shall automatically be extended and shall not expire until the accusation or  
5 petition has been acted upon by the Board.

6 13. **License Surrender.** During Respondent's term of probation, if she ceases  
7 practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of  
8 probation, Respondent may surrender her license to the Board. The Board reserves the right to  
9 evaluate Respondent's request and to exercise its discretion whether to grant the request, or to  
10 take any other action deemed appropriate and reasonable under the circumstances, without  
11 further hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent  
12 will no longer be subject to the conditions of probation.

13 Surrender of Respondent's license shall be considered a disciplinary action and  
14 shall become a part of Respondent's license history with the Board. A registered nurse whose  
15 license has been surrendered may petition the Board for reinstatement no sooner than the  
16 following minimum periods from the effective date of the disciplinary decision:

17 (1) Two years for reinstatement of a license that was surrendered for any  
18 reason other than a mental or physical illness; or

19 (2) One year for a license surrendered for a mental or physical illness.

20 14. **Physical Examination.** Within 45 days of the effective date of this  
21 Decision, Respondent, at her expense, shall have a licensed physician, nurse practitioner, or  
22 physician assistant, who is approved by the Board before the assessment is performed, submit an  
23 assessment of the Respondent's physical condition and capability to perform the duties of a  
24 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If  
25 medically determined, a recommended treatment program will be instituted and followed by the  
26 Respondent with the physician, nurse practitioner, or physician assistant providing written  
27 reports to the Board on forms provided by the Board.

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1           If Respondent is determined to be unable to practice safely as a registered nurse,  
2 the licensed physician, nurse practitioner, or physician assistant making this determination shall  
3 immediately notify the Board and Respondent by telephone, and the Board shall request that the  
4 Attorney General's office prepare an accusation or petition to revoke probation. Respondent  
5 shall immediately cease practice and shall not resume practice until notified by the Board.  
6 During this period of suspension, Respondent shall not engage in any practice for which a license  
7 issued by the Board is required until the Board has notified Respondent that a medical  
8 determination permits Respondent to resume practice. This period of suspension will not apply  
9 to the reduction of this probationary time period.

10           If Respondent fails to have the above assessment submitted to the Board within  
11 the 45-day requirement, Respondent shall immediately cease practice and shall not resume  
12 practice until notified by the Board. This period of suspension will not apply to the reduction of  
13 this probationary time period. The Board may waive or postpone this suspension only if  
14 significant, documented evidence of mitigation is provided. Such evidence must establish good  
15 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be  
16 provided. Only one such waiver or extension may be permitted.

17           **15. Participate in Treatment/Rehabilitation Program for Chemical**  
18 **Dependence.** Respondent, at her expense, shall successfully complete during the probationary  
19 period or shall have successfully completed prior to commencement of probation a Board-  
20 approved treatment/rehabilitation program of at least six months duration. As required, reports  
21 shall be submitted by the program on forms provided by the Board. If Respondent has not  
22 completed a Board-approved treatment/rehabilitation program prior to commencement of  
23 probation, Respondent, within 45 days from the effective date of the decision, shall be enrolled in  
24 a program. If a program is not successfully completed within the first nine months of probation,  
25 the Board shall consider Respondent in violation of probation.

26           Based on Board recommendation, each week Respondent shall be required to  
27 attend at least one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics  
28 Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as approved and directed

1 by the Board. If a nurse support group is not available, an additional 12-step meeting or  
2 equivalent shall be added. Respondent shall submit dated and signed documentation confirming  
3 such attendance to the Board during the entire period of probation. Respondent shall continue  
4 with the recovery plan recommended by the treatment/rehabilitation program or a licensed  
5 mental health examiner and/or other ongoing recovery groups.

6           **16. Abstain from Use of Psychotropic (Mood-Altering) Drugs.** Respondent  
7 shall completely abstain from the possession, injection or consumption by any route of all  
8 controlled substances and all psychotropic (mood altering) drugs, including alcohol, except when  
9 the same are ordered by a health care professional legally authorized to do so as part of  
10 documented medical treatment. Respondent shall have sent to the Board, in writing and within  
11 fourteen (14) days, by the prescribing health professional, a report identifying the medication,  
12 dosage, the date the medication was prescribed, the Respondent's prognosis, the date the  
13 medication will no longer be required, and the effect on the recovery plan, if appropriate.

14           Respondent shall identify for the Board a single physician, nurse practitioner or  
15 physician assistant who shall be aware of Respondent's history of substance abuse and will  
16 coordinate and monitor any prescriptions for Respondent for dangerous drugs, controlled  
17 substances or mood-altering drugs. The coordinating physician, nurse practitioner, or physician  
18 assistant shall report to the Board on a quarterly basis Respondent's compliance with this  
19 condition. If any substances considered addictive have been prescribed, the report shall identify a  
20 program for the time limited use of any such substances.

21           The Board may require the single coordinating physician, nurse practitioner, or  
22 physician assistant to be a specialist in addictive medicine, or to consult with a specialist in  
23 addictive medicine.

24           **17. Submit to Tests and Samples.** Respondent, at her expense, shall  
25 participate in a random, biological fluid testing or a drug screening program which the Board  
26 approves. The length of time and frequency will be subject to approval by the Board.  
27 Respondent is responsible for keeping the Board informed of Respondent's current telephone  
28 number at all times. Respondent shall also ensure that messages may be left at the telephone

1 number when she is not available and ensure that reports are submitted directly by the testing  
2 agency to the Board, as directed. Any confirmed positive finding shall be reported immediately  
3 to the Board by the program and Respondent shall be considered in violation of probation.

4 In addition, Respondent, at any time during the period of probation, shall fully  
5 cooperate with the Board or any of its representatives, and shall, when requested, submit to such  
6 tests and samples as the Board or its representatives may require for the detection of alcohol,  
7 narcotics, hypnotics, dangerous drugs, or other controlled substances.

8 If Respondent has a positive drug screen for any substance not legally authorized  
9 and not reported to the coordinating physician, nurse practitioner, or physician assistant, and the  
10 Board files a petition to revoke probation or an accusation, the Board may suspend Respondent  
11 from practice pending the final decision on the petition to revoke probation or the accusation.  
12 This period of suspension will not apply to the reduction of this probationary time period.

13 If Respondent fails to participate in a random, biological fluid testing or drug  
14 screening program within the specified time frame, Respondent shall immediately cease practice  
15 and shall not resume practice until notified by the Board. After taking into account documented  
16 evidence of mitigation, if the Board files a petition to revoke probation or an accusation, the  
17 Board may suspend Respondent from practice pending the final decision on the petition to  
18 revoke probation or the accusation. This period of suspension will not apply to the reduction of  
19 this probationary time period.

20 18. **Mental Health Examination.** Respondent shall, within 45 days of the  
21 effective date of this Decision, have a mental health examination including psychological testing  
22 as appropriate to determine her capability to perform the duties of a registered nurse. The  
23 examination will be performed by a psychiatrist, psychologist or other licensed mental health  
24 practitioner approved by the Board. The examining mental health practitioner will submit a  
25 written report of that assessment and recommendations to the Board. All costs are the  
26 responsibility of Respondent. Recommendations for treatment, therapy or counseling made as a  
27 result of the mental health examination will be instituted and followed by Respondent.

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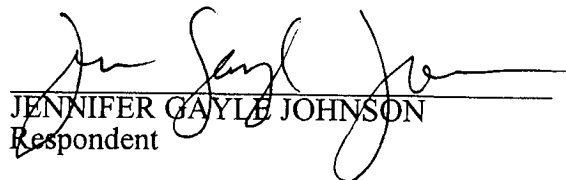
1 If Respondent is determined to be unable to practice safely as a registered nurse,  
2 the licensed mental health care practitioner making this determination shall immediately notify  
3 the Board and Respondent by telephone, and the Board shall request that the Attorney General's  
4 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease  
5 practice and may not resume practice until notified by the Board. During this period of  
6 suspension, Respondent shall not engage in any practice for which a license issued by the Board  
7 is required, until the Board has notified Respondent that a mental health determination permits  
8 Respondent to resume practice. This period of suspension will not apply to the reduction of this  
9 probationary time period.

10 If Respondent fails to have the above assessment submitted to the Board within  
11 the 45-day requirement, Respondent shall immediately cease practice and shall not resume  
12 practice until notified by the Board. This period of suspension will not apply to the reduction of  
13 this probationary time period. The Board may waive or postpone this suspension only if  
14 significant, documented evidence of mitigation is provided. Such evidence must establish good  
15 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be  
16 provided. Only one such waiver or extension may be permitted.

17 **ACCEPTANCE**

18 I have carefully read the Stipulated Settlement and Disciplinary Order. I  
19 understand the stipulation and the effect it will have on my Registered Nurse License. I enter  
20 into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently,  
21 and agree to be bound by the Decision and Order of the Board of Registered Nursing.

22 DATED: 09/13/2007

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25 JENNIFER GAYLE JOHNSON  
Respondent

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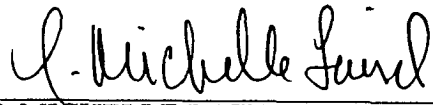
**ENDORSEMENT**

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

DATED: 9/13/07

EDMUND G. BROWN JR., Attorney General  
of the State of California

LINDA K. SCHNEIDER  
Supervising Deputy Attorney General

  
T. MICHELLE LAIRD  
Deputy Attorney General  
Attorneys for Complainant

DOJ Matter ID: SD2005701024  
80163134.wpd

**Exhibit A**  
**Accusation No. 2007-161**

1 BILL LOCKYER, Attorney General  
of the State of California  
2 LINDA SCHNEIDER  
Supervising Deputy Attorney General  
3 T. MICHELLE LAIRD, State Bar No. 162979  
Deputy Attorney General  
4 California Department of Justice  
110 West "A" Street, Suite 1100  
5 San Diego, CA 92101

6 P.O. Box 85266  
San Diego, CA 92186-5266  
7 Telephone: (619) 645-2323  
Facsimile: (619) 645-2061

8 Attorneys for Complainant  
9

10 **BEFORE THE**  
11 **BOARD OF REGISTERED NURSING**  
12 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. 2007-161

14 **JENNIFER GAYLE JOHNSON**

**A C C U S A T I O N**

15 485 Golden West Place  
Arroyo Grande, California 93420-3722

16 Registered Nurse License No. 390895

17 Respondent.  
18

19 Ruth Ann Terry, M.P.H., R.N. (Complainant) alleges:

20 **PARTIES**

21 1. Complainant brings this Accusation solely in her official capacity as the  
22 Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs.

23 2. **Registered Nurse License.** On or about November 30, 1985, the Board  
24 of Registered Nursing issued Registered Nurse License Number 390895 to Jennifer Gayle  
25 Johnson (Respondent). The license was in full force and effect at all times relevant to the  
26 charges brought herein and will expire on November 30, 2006, unless renewed.

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8. **Drugs.** "Dilaudid" is a Schedule II controlled substance under Health and Safety Code section 11055(b)(K).

## COST RECOVERY

9. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

**FIRST CAUSE FOR DISCIPLINE**

**(Obtained and Possessed a Controlled Substance in Violation of Law)**

10. Respondent has subjected her registered nurse license to discipline under Code section 2761(a), on the grounds of unprofessional conduct as defined in Code section 2762(a), in that on or about December 18, 2003, Respondent committed the following acts:

a. Respondent obtained Dilaudid, a controlled substance, by fraud, deceit, misrepresentation or subterfuge, by taking the drug from hospital supplies for her own use in violation of Health and Safety Code section 11173(a).

b. Respondent possessed Dilaudid, a controlled substance, in violation of Code section 4060.

## SECOND CAUSE FOR DISCIPLINE

**(Used Controlled Substance to an Extent or in a Manner**

**Dangerous or Injurious to Herself)**

11. Respondent has subjected her license to discipline under Code section 2761(a), on the grounds of unprofessional conduct as defined in Code section 2762(b), in that on or about December 19, 2003, Respondent used Dilaudid, a controlled substance, to an extent or in a manner dangerous or injurious to herself.

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1 PRAYER

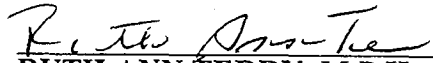
2 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
3 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

4 1. Revoking or suspending Registered Nurse License Number 390895 issued  
5 to Jennifer Gayle Johnson;

6 2. Ordering Jennifer Gayle Johnson to pay the Board of Registered Nursing  
7 the reasonable costs of the investigation and enforcement of this case, pursuant to Code section  
8 125.3; and,

9 3. Taking such other and further action as deemed necessary and proper.

10  
11 DATED: 12/8/06

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13   
14 RUTH ANN TERRY, M.P.H., R.N.  
15 Executive Officer  
16 Board of Registered Nursing  
17 Department of Consumer Affairs  
18 State of California  
19 Complainant  
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